

## INSTRUCTIONS FOR GRIEVANCE ARBITRATION FORM *{Do not file this sheet with PERC}*

- A. RULES** The Public Employment Relations Commission (PERC) provides grievance arbitration services under Chapters 391-65 and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at [www.perc.wa.gov](http://www.perc.wa.gov).
- B. WHO CAN FILE** Only the employer and/or the exclusive bargaining representative (the parties to the collective bargaining agreement) can file or process a grievance arbitration case. Individual employees do not have legal standing to file or process these cases.
- C. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

### PARTIES

- The "Employer" must be a party to the collective bargaining agreement under which the grievance is to be arbitrated.
- The "Employee Organization" must be the other party to the collective bargaining agreement under which the grievance arises.
- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- Indicate the number of employees in the bargaining unit.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- ATTACH a copy of the collective bargaining agreement under which the dispute arises (unbound documents are preferred).

**GRIEVANCE** Describe the dispute. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

**DESIGNATION OF REQUEST** Indicate the nature of the request:

**STAFF ARBITRATORS** – PERC assigns members of its staff as arbitrators, without charge to the parties. Grievance arbitration services are subject to interruption or delay, however, if the staff member is assigned other cases of a higher priority.

**WAC 391-65-070 GRIEVANCE ARBITRATION -- APPOINTMENT OF STAFF ARBITRATOR.** Upon concurrence of the parties or upon the submission of a joint request, a member of the agency staff shall be assigned as grievance arbitrator. The parties shall not be permitted to select a grievance arbitrator from a list of agency staff members, or to exercise a right of rejection on appointments made under this section; but may jointly express a preference for appointment of one or more staff members as their arbitrator, and their request shall be considered in making the assignment. Upon the submission of a request by one party for the appointment of a member of the agency staff as grievance arbitrator, the agency shall determine whether the other party to the collective bargaining agreement concurs in the appointment of a staff arbitrator. In the absence of concurrence, the agency shall notify the requesting party of the lack of concurrence and shall close the case if concurrence is not provided within a reasonable time.

Staff arbitrators are not available for cases arising under Chapter 28B.52 RCW (faculty at community or technical colleges) or under Chapter 41.59 RCW (certificated employees of school districts).

**DISPUTE RESOLUTION PANEL** – PERC maintains a list of independent professionals qualified to act as arbitrators of labor-management disputes. See WAC 391-55-110. PERC supplies lists of Dispute Resolution Panel members upon request of parties, without charge to the parties. Referrals are generated at random by computer. To reduce the need for parties to request additional lists when one or more listed panel members is unavailable, PERC routinely supplies two more names than are requested by the parties. What the parties do with the extra names is left entirely to the parties. PERC does not become involved in arrangements between parties and Dispute Resolution Panel members selected by the parties. All fees and expenses charged by Dispute Resolution Panel members are the responsibility of the parties.

- D. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to [filing@perc.wa.gov](mailto:filing@perc.wa.gov) PLUS mail the original papers to PERC's Olympia office on the same day.

- E. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

- F. AGREEMENT TO ARBITRATE** The availability of PERC's grievance arbitration services is limited to cases in which the parties have agreed that the decision of the arbitrator will be final and binding upon them.

- G. NORMAL CASE PROCESSING** The steps that usually occur in the arbitration of a grievance are described in materials available under the "SERVICES" tab on the PERC website: [www.perc.wa.gov](http://www.perc.wa.gov).